

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE CEDAR REALTY TRUST, INC.
PREFERRED SHAREHOLDER
LITIGATION

Case No. 8:22-CV-1103-GLR

**NOTICE OF PLAINTIFFS' WITHDRAWAL OF MOTION FOR LEAVE TO FILE
THEIR CONSOLIDATED AMENDED CLASS ACTION COMPLAINT UNDER SEAL
PURSUANT TO LOCAL RULES 104.13(c) AND 105.11**

Julia Kim, David Sydney, Martin Novick, J Renee Brennan Living Trust, Scott Schroepfer, and Kenneth Kamholz (collectively, "Plaintiffs") hereby withdraw their motion seeking leave to file their Consolidated Amended Class Action Complaint (the "Complaint") under seal. (Dkt. 34). The basis for the withdrawal is Section 3 of the Stipulated Protective Order ("Protective Order") in *Sydney et al. v. Cedar Realty Trust, Inc. et al.*, Case No. 8:22-cv-1142-GLR (the "Sydney Action"), which provides in relevant part that "the protections conferred by this agreement do not cover information that is in the public domain or *becomes part of the public domain through trial or otherwise through actions that are not inconsistent with the provisions of this Order.*" (emphasis added).

On August 25, 2022, Defendants Cedar Realty Trust, Inc. and Wheeler Real Estate Investment Trust, Inc. each filed a Form 8-K with the Securities and Exchange Commission. Attached as an exhibit to those Form 8-Ks was a certain loan agreement, dated August 22, 2022 (the "Loan Agreement"). Through counsel, Plaintiffs and Defendants have conferred and agree that the filing of the Loan Agreement with the Form 8-Ks publicly disclosed all of the information in the Complaint that had previously been designated as Confidential by Defendants under the

Protective Order. Accordingly, the Amended Complaint no longer contains any Confidential material and may be filed publicly in full.

Dated: September 9, 2022

Respectfully submitted,

/s/ Donald J. Enright

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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, service required by Fed. R. Civ. P. 5(a) has been made through the ECF of the foregoing document.

/s/ Donald J. Enright

(Bar. No. 13551)